

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-51 are pending in the present application, and Claims 1, 16, 20, 21, 28, 29, 30, 31, and 51 having been amended by the present amendment.

In the outstanding Office Action, Claims 1-22, 25-26, 29-45, and 48-49 were rejected under 35 U.S.C. § 103(a) as unpatentable over Abe et al (U.S. Pat, No. 5,590,040) in view of Kamiya et al (U.S. Pat, No. 5,11,686); Claims 23-24, 27-28, 46-47, and 50-51 were rejected under 35 U.S.C. § 103(a) as unpatentable over Abe et al and Kamiya et al in view of Takaba et al (U.S. Pat, No. 5,506,773).

Firstly, Applicant acknowledges with appreciation the courtesy of Examiner Tran to conduct an interview for this case on March 4, 2004. During the interview, differences between the applied prior art and the present invention were discussed. Applicant's representative discussed differences between Kamiya et al, cited in the final Office Action for its teaching of an inherent data storing section, and the present invention. Language clarifying the present invention with regards to the storage of the inherent data and the selection of the inherent data was discussed, as noted on the Interview Summary Sheet. Examiner Tran noted the differences, but indicated that no decision on patentability could be reached without further search and consideration.

The present amendment clarifies the relationships of the inherent data to the common data.

For example as clarified, Claim 1 defines an abnormality diagnostic system capable of storing on a vehicle abnormality diagnostic data corresponding to an abnormal event detected in the vehicle. The system includes a common data storing section for storing, as the abnormality diagnostic data for a plurality of abnormal events, common data which is

common against all abnormal events irrespective of the detected abnormal event, and includes an inherent data storing section for storing *in correspondence* to the common data inherent data which is associated with and specific to a diagnostic code for the abnormal event detected. Applicant's Figure 6A and 12 and the discussion thereof in the specification support these clarifications.

The final Office Action acknowledges that Abe et al do not disclose inherent data storing.¹ The outstanding Office Action then asserts that Kamiya et al disclose an inherent data storing section.² Yet, as discussed during the interview, Kamiya et al at most discloses the storage of fault data amongst normal operating data, and therefore utilizes a comparison means as shown in Figure 11 to identify which of the stored data is indeed fault data. There is no disclosure in Kamiya et al of storing *in correspondence* to common data inherent data associated with and specific to a diagnostic code for the abnormal event detected, as presently defined in the independent claims. Such a teaching in Kamiya et al would mean that there would be no reason to use in Kamiya et al the above-noted comparison means to distinguish the normal operating data of Kamiya et al from the fault data.

Accordingly, it is respectfully submitted that independent Claims 1, 16, 20, 21, 29, and 30, and the claims depending therefrom, patentably define over the prior art.

¹ Office Action, page 2, line 22.

² Id., page 2, lines 23-26.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

**CUSTOMER NUMBER
22850**

RTP/RAR/clh

Tel.: (703) 413-3000

Fax: (703) 413-2220

Robert T. Pous
Robert T. Pous
Attorney of Record
Registration No. 29,099
Ronald A. Rudder
Ronald A. Rudder, Ph. D.
Registration No. 45,618